

STATE OF INDIANA )  
 ) SS:  
COUNTY OF GREENE )

IN THE GREENE CIRCUIT COURT

MISC. DOCKET NO. 28C01-0504-MS-179

IN RE: MELISSA PITTMAN, )  
 also known as )  
 MELISSA DYAL )  
 )  
 Respondent. )

AVC NO. 05-017

**FILED**  
APR 25 2005

ASSURANCE OF VOLUNTARY COMPLIANCE

*Thomas H. Franklin*  
GREENE CIRCUIT COURT CLERK

The State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Terry Tolliver, and the Respondent, Melissa Pittman, also known as Melissa Dyal, enter into an Assurance of Voluntary Compliance ("Assurance"), pursuant to Indiana Code § 24-5-0.5-7.

Any violation of the terms of this Assurance constitutes *prima facie* evidence of a deceptive act. This Assurance is entered into without any adjudication of any issue of fact or law, and upon consent of the parties.

The parties agree:

1. The Respondent is an individual, residing at Route 1, Box 80, Lyons, IN 47443, and transacts business with consumers via the Internet.
2. The terms of this Assurance apply to and are binding upon the Respondent, her employees, agents, representatives, successors, and assigns.
3. The Respondent acknowledges the jurisdiction of the Consumer Protection Division of the Office of the Attorney General to investigate matters hereinafter described, pursuant to the authority of Indiana Code § 4-6-9-4 and Indiana Code § 24-5-0.5-1, *et seq.*

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4. The Respondent, in soliciting and/or contracting with consumers, agrees to refrain from representing, either orally or in writing, the subject of a consumer transaction has sponsorship, approval, performance, characteristics, accessories, uses, or benefits it does not have which the Respondent knows or should reasonably know it does not have.

5. The Respondent, in soliciting and/or contracting with consumers, agrees to refrain from representing, either orally or in writing, she is able to deliver or complete the subject of a consumer transaction within a reasonable period of time, when she knows or reasonably should know she cannot.

6. The Respondent, in soliciting and/or contracting with consumers, agrees to refrain from representing, either orally or in writing, the consumer will be able to purchase the subject of the consumer transaction as advertised by the Respondent, if the Respondent does not intend to sell it.

7. The Respondent, in soliciting and/or contracting with consumers, agrees to fully comply with the Deceptive Consumer Sales Act, Indiana Code § 24-5-0.5-1, *et seq.*

8. Upon execution of this Assurance, the Respondent shall pay consumer restitution in the amount of Four Hundred and Thirty-Five Dollars (\$435.00) to the Office of the Attorney General on behalf of Raymond Vojtowicz of Willow, Pennsylvania.

9. Upon execution of this Assurance, the Respondent shall pay consumer restitution in the amount of Four Hundred and Fifty-Five Dollars (\$455.00) to the Office of the Attorney General on behalf of Sharon Boege of Princeton, Minnesota.

10. Upon execution of this Assurance, the Respondent shall pay consumer restitution in the amount of Two Hundred and Thirty-One Dollars and Fifty Cents (\$231.50) to the Office of the Attorney General on behalf of Patricia Rider of Marysville, Ohio.

11. Upon execution of this Assurance, the Respondent shall pay costs in the amount of Three Hundred Dollars (\$300.00) to the Office of the Attorney General.

12. The Respondent shall not represent the Office of the Attorney General approves or endorses the Respondent's past or future business practices, or that execution of this Assurance constitutes such approval or endorsement.

13. The Respondent shall fully cooperate with the Office of the Attorney General in the resolution of any future written complaints the Consumer Protection Division receives.

14. The Office of the Attorney General shall file this Assurance with the Circuit Court of Greene County. The Court's approval of this Assurance shall not act as a bar to any private right of action.

DATED this 30<sup>th</sup> day of March, 20045

STATE OF INDIANA

STEVE CARTER  
Indiana Attorney General

By: Terry Tolliver  
Terry Tolliver  
Deputy Attorney General  
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Office of Attorney General  
302 W. Washington, 5th Floor  
Indianapolis, Indiana 46204  
Telephone: (317) 233-3300

RESPONDENT

Melissa Pittman  
MELISSA PITTMAN

APPROVED this 27<sup>th</sup> day of April, 2005.



Judge, Greene County Circuit Court

Distribution:

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